

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRUCE and ANITA WEYENBERG,

Plaintiffs,

v.

PARSONS, BRINCKERHOFF, QUADE &  
DOUGLAS, INC.,

Defendant.

CASE NO. C04-505C

ORDER

This matter comes before the Court on Defendant's Motion to Compel Settlement and for Sanctions (Dkt. No. 11). The Court has considered the Defendant's motion and the remainder of the record, and hereby finds and rules as follows.

Defendant moves the Court to compel Plaintiffs to abide by their contractual obligation to settle the present litigation and dismiss this case, and to order Plaintiffs to pay sanctions. Plaintiffs failed to file papers in opposition to Defendant's Motion to Compel Settlement. It is therefore uncontested that on February 4, 2005, Mr. Weyenberg, through his counsel, accepted Defendant's last offer of settlement made at mediation on December 14, 2005. It is further uncontested that on February 7, 2005, Plaintiffs' counsel received Defendant's proposed Confidential Agreement and General Release of claims, and after one minor change was agreed to by both parties, indicated that the agreement was acceptable to his

1 clients.

2 Moreover, the Court construes Plaintiffs' failure to respond as an admission that Defendant's  
3 Motion has merit. *See* Local Rule CR 7(b)(2) (W.D. Wash.) (stating "if a party fails to file papers in  
4 opposition to a motion, such failure may be considered by the court as an admission that the motion has  
5 merit."). It is therefore ORDERED:

6 (1) Defendant's Motion to Compel is GRANTED in the part requesting the Court compel  
7 settlement of this matter. Mr. Weyenberg is hereby ORDERED to:

8 (a) Deliver a signed and fully executed settlement agreement, together with a valid  
9 waiver of his right of revocation to Parsons Brinkerhoff within ten (10) days of the  
10 date of this Order; and

11 (b) File a voluntary stipulation of Dismissal with this Court within fourteen (14) days  
12 of the date of this Order.

13 (2) Defendant's Motion to Compel is DENIED in the part requesting sanctions.

14 SO ORDERED this 17th day of May, 2005.

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16 UNITED STATES DISTRICT JUDGE  
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